

AMENDMENT
Serial No. 10/524,912
Docket No. MUR07-GN002

REMARKS

Introductory Comments

Claims 1-8, 16-56, and 64-96 are pending in the present application. Claims 1, 16, 17, 19, 20, 45, 49, 64, 65, 67, and 68 have been amended. Claims 9-15 and 57-63 have been cancelled. Reconsideration of the application is respectfully requested.

Instant Office Action – Claim Rejections

Claims 16 and 64 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Specifically, the Examiner asserts that the limitation, “wherein the frequency of alternating current voltage applied to the circular electrode is of a frequency having a period that is less than the time taken for light to pass over the diameter of the circular electrode,” is not supported in the specification to allow those skilled in the art to make and use the claimed invention. For the reasons that follow, this ground of rejection is respectfully traversed.

It is respectfully submitted that the limitations recited in claims 16 and 64 are fully supported by the specification as filed for those skilled in the art. For example, the limitation in question includes a circular electrode and its corresponding diameter, neither of which are limited to a particular numerical value. In addition, the limitation recites that the frequency of the alternating current voltage applied to the circular electrode has a period less than the time taken for light to pass over the diameter of the electrode. What appears to have led to confusion on the part of the Examiner is how the period of the voltage could depend upon the light passing over the electrode.¹ The answer to this question is rather quite simple: the voltage period depends on the size of the electrode.

It should be noted that the claim does not call out a specific light beam, nor does it specifically call out the size of the electrode. Rather, all that is recited is that the electrode is circular in shape. Those skilled in the art, for any given size of circular electrode, could determine, such as by calculating, the time taken for the light to pass over the electrode. It should be apparent that the time would necessarily change as a function of the diameter of the

¹ Alternatively, what appears to have led to confusion on the part of the Examiner is how the voltage period could be changed as the size of the electrode is changed.

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electrode. In this manner, the limitation simply recites that the period of the voltage is less than the time taken by light to pass over the diameter of the electrode. In other words, those skilled in the art, after determining the time taken for a light beam to travel a particular diameter² of a circular electrode, would correspondingly vary the voltage to have a period less than this time. Therefore, the limitation in question as recited in claims 16 and 64 is quite clear and unambiguous. Moreover, it is beyond legitimate dispute that one that those skilled in the art could practice the claimed invention for a given circular electrode.

In the alternative, if it is the Examiner's position that the written description lacks sufficient information as to the light and its passage over the electrode, Applicant points out that the claims themselves provide their own written description. See M.P.E.P. § 2163 (I), citing *In re Koller*, 613 F.2d 819 (C.C.P.A. 1980), for the proposition that original claims constitute their own description. With regard to the rejection to claims 16 and 64, the phrase 'time taken for light to pass over the diameter of the circular electrode', does not refer to any particular light beam actually passing over the electrode, but rather to the time taken for a theoretical light beam